

Message Text

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41 S

ACTION ACDA-10

INFO OCT-01 ARA-06 EUR-12 IO-10 ISO-00 SS-15 SP-02 INR-07

OES-03 PM-04 NSC-05 CIAE-00 NRC-05 DODE-00 L-03 /083 W

----- 109857

R 051447Z JAN 76

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 6873

INFO USERDA GERMANTOWN

AMEMBASSY BONN

AMEMBASSY BRASILIA

AMEMBASSY PARIS

C O N F I D E N T I A L IAEA VIENNA 0050

PASS IO/SCT

E.O. 11652: GDS

TAGS: PARM, TECH, IAEA, BR, GW

SUBJECT: IAEA-FRG-BRAZIL SAFEGUARDS AGREEMENT

REF: STATE 302988

1. IAEA SECRETARIAT TEAM TEMPORARILY HEADED BY
LEGAL DIVISION DIRECTOR MACGIBBON, (IN ABSENCE
DAV FISCHER, WHO WILL HEAD TEAM FOR NEGOTIA-
TIONS) MEETING THIS WEEK IN PREPARATION FOR
NEGOTIATIONS WITH FRG (LOOSCH AND VON WAGNER) AND
BRAZIL, BEGINNING JAN. 12.

2. MISSION HAS IDENTIFIED FOR FISCHER AND
MACGIBBON SPECIFIC ASPECTS OF SECTIONS 2, 5 AND
10 PER REFTEL AS CALLING FOR CLOSE ATTENTION.

3. WE HAVE ALSO SEEN FISCHER'S CONFIDENTIAL MEMO
TO MACGIBBON (PREPARED INDEPENDENTLY, PRIOR TO
RECEIPT OF MISSION'S COMMENTS) WHICH POINTS OUT
"MAJOR DEFECTS" IN DRAFT AND "SERIOUS ISSUES"
RAISED INCLUDING A) SECTION 5(C) LEAVING
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RESPONSIBILITY FOR INFORMING AGENCY TO RECIPIENT

GOVERNMENT; B) ABSENCE IN SECTION 10 OF EXPORT
CLAUSE INCORPORATING PARA 28 OF INFCIRC/66 REV. 2;
C) UNDERTAKING IN SECTION 2(A) WHICH, IN
FISCHER'S VIEW, SECRETARIAT HAS NO AUTHORITY TO
USE EXCEPT IN CASE OF NPT AGREEMENTS AND, MORE-
OVER, "IAEA IS NOT ABLE TO APPLY SAFEGUARDS TO
MILITARY USES."; D) TWENTY-YEAR LIMITATION IN
SECTION 2(B), WHICH FISCHER CONSIDERS INCONSISTENT
WITH AGENCY CONCEPTS; ABSENCE OF REFERENCE TO
MANUFACTURE OF HEAVY WATER IN LIST OF AREAS OF
COOPERATION IN SECTION 2 (C); E) LESS SIGNIFICANT
QUESTIONS ON SECTIONS 18, 20, 23, 26 AND 31.

4. FOREGOING AND OTHER QUESTIONS WILL BE ADDRESSED
BY SECRETARIAT TEAM THIS WEEK, WITH OBJECTIVE OF
PRESENTING FORMAL COUNTERPROPOSALS IN WRITING
DURING NEGOTIATIONS NEXT WEEK.

5. IT APPEARS THAT SECRETARIAT IS STARTING WITH
APPROPRIATE SKEPTICISM IN ADDRESSING DRAFT.
MISSION WILL REPORT ON PROGRESS OF SECRETARIAT
TEAM'S WORK AS WE RECEIVE INFO.LABOWITZ

NOTE BY OC/T: IAEA VIENNA 0050. DISTRIBUTION COORDINATED WITH
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR AGREEMENTS, MEETING DELEGATIONS, NEGOTIATIONS, NUCLEAR SAFEGUARDS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976IAEAV00050
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760002-0997
From: IAEA VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760187/aaaacztes.tel
Line Count: 85
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ACDA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 302988
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 30 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: WITHDRAWN <23 MAR 2004 by CollinP0, REFER TO DOE>; RELEASED <30 JUL 2004 by SmithRJ>; APPROVED <03 AUG 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: IAEA-FRG-BRAZIL SAFEGUARDS AGREEMENT
TAGS: PARM, TECH, BR, GE, IAEA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006